

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Dhananjay V. Keskar et al.

Serial No.:	10/616,734	Examiner:	Fayyaz Alam
Docket No.:	P16142	Group Art Unit:	2618
Filed:	July 09, 2003	Confirmation No.:	2758

Title: **CO-OPERATIVE PROTOCOL FOR WIRELESS DEVICE INTERACTION WITH INTELLIGENT ENVIRONMENTS**

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Panel:

In response to the Final Office Action mailed on July 7, 2010, Applicants request review of the final rejection in the above referenced application. This request is being filed with a Notice of Appeal. No amendments are filed with the request.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 19, and 30 were rejected under 35 U.S.C. § 103(a) as being obvious over Hayduk (U.S. Publication No. 2003/0054833 A1) in view of Aburai et al. (U.S. Publication No. 2002/0090953 A1). Additionally Claims 2-5, 20-23, and 31-34 were rejected under 35 U.S.C. § 103(a) as being obvious over Hayduk (U.S. Publication No. 2003/0054833 A1) in view of Aburai et al. (U.S. Publication No. 2002/0090953 A1) and further in view of Bates et al. (U.S. Patent No. 7,080,402). Applicants respectfully traverse these rejections which failed to meet the prima facie case of obviousness.

To meet the case for a prima facie case of obviousness “The Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness.” It is well established that prima facie obviousness is only established when the prior art reference (or references when combined) teach or suggest all the claim limitations. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991) (MPEP 2144) (emphasis added). In the present case, the Office Action failed to establish obviousness with respect to any of the independent claims (Claims 1, 19 and 30), thus also failing to establish obviousness with respect to the dependent claims (Claims 2-5, 20-23 and 31-34).

Specifically, the Office Action states that Hayduk teaches all elements of independent Claims 1, 19 and 30 with the exception of “sending device configuration information associated with the wireless electronic device on the at least one supervisory devices regarding one or more functions associated with the wireless electronic device” or “causing the one or more functions associated with the wireless electronic device to conform to the preference and restriction information associated with the area of wireless coverage received by the wireless electronic device from the at least one supervisory devices.”. The Office Action goes on to state that Aburai teaches these elements and that it would have been obvious to one of ordinary skill in the art to combine Aburai with Hayduk to render these elements obvious.

Applicants submit that neither Hayduk nor Aburai teach the elements as suggested by the Office Action. For example, the Office Action states that Hayduk teaches that device capabilities and preferences are sent to the broadcaster 104 and said information is examined and based on a determination select information is broadcasted and that this element allegedly teaches the element of “examining device configuration information associated with the wireless

electronic device on the at least one or more supervisory devices. Applicants strongly disagree. Hayduk merely shows that user preferences are sent to a broadcaster and appropriate information is then sent to the user's wireless device. This is in direct contrast to the scheme claimed herein where the supervisory device receives *device configuration information regarding functions on the device* and sends preference and restriction information *to* the wireless electronic device.

Similarly, Aburai also does not teach or suggest the claim elements stated in the Office Action. For example, as highlighted in Applicants' previously filed response, Aburai describes its scheme as:

"In accordance with the present invention, there are provided a mobile communication device communication method and system in which positional and usage information is communicated when the use of the device corresponds to its usage limit. The system is featured by including steps of judging whether or not the use of the mobile communication device corresponds to its usage limit by collating positional information of the mobile device including a latitude and longitude of the device or including a latitude, longitude and altitude thereof with usage information set in the form of limits of latitude and longitude or in the form of limits of latitude, longitude and altitude; and transmitting or receiving usage information according to its judgement result."

Aburai, Paragraph 5.

There is nothing in Aburai that describes the claimed element of "sending device configuration information associated with the wireless electronic device on the at least one supervisory devices regarding one or more functions associated with the wireless electronic device", as suggested by the Office Action. As shown above, Aburai describes a scheme wherein a "usage limit" is determined based on positional information. In contrast, the claimed invention sends "device configuration information" which includes information about the functions available on the device. Nothing whatsoever in Aburai teaches or suggests this element.

Applicants therefore respectfully submit that the Office Action has failed to teach **all** elements of the claimed invention whether relying on Hayduk alone or in combination with Aburai, as required to establish a prima facie case of obviousness.

CONCLUSION

Applicants respectfully submit that in view of these remarks, the application is in condition for allowance and request prompt action in accordance therewith. If the Panel has any questions, the Panel is encouraged to contact the undersigned at (714)-730-8225. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0221 and please credit any excess fees to such account.

Respectfully submitted,

Customer Number - 59796

Dated: October 7, 2010

/Sharmini N. Green, Reg. No. 41,410/

Sharmini N. Green

Reg. No. 41,410

Patent Attorney

Intel Corporation

(714)-730-8225

Intel Corporation
c/o CPA Global
P.O. Box 52050
Minneapolis, MN 55402

Listing of Claims:

This listing of claims will replace all prior versions of the claims

1. (Previously presented) A method, comprising:
 - establishing a connection between a wireless electronic device and at least one supervisory devices associated with an area of wireless coverage;
 - sending device configuration information associated with the wireless electronic device on the at least one supervisory devices regarding one or more functions associated with the wireless electronic device;
 - the at least one supervisory devices sending preference and restriction information associated with the area of wireless coverage to the wireless electronic device; and
 - causing the one or more functions associated with the wireless electronic device to conform to the preference and restriction information associated with the area of wireless coverage received by the wireless electronic device from the at least one supervisory devices.
2. (Previously presented) The method of claim 1 wherein the area of wireless coverage includes one or more priority levels associated with the area of wireless coverage and each of the one or more functions of the wireless device includes an associated priority level.
3. (Previously presented) The method of claim 2, further comprising:
 - comparing the one or more priority levels associated with the area of wireless coverage with each of the wireless electronic device's function priority level; and
 - setting permissions for the operation of each of the wireless electronic device's function based on the results of the comparison.
4. (Previously presented) The method of claim 3 wherein setting permissions for the operation of each of the wireless electronic device's function further comprises:
 - allowing the operation of functions that have a higher priority level than any supervisory device priority level; and
 - disallowing the operation of functions that have a lower priority level than a supervisory device priority level.

5. (Previously presented) The method of claim 4 wherein determining which functions are available on the wireless electronic device further comprises configuring the wireless electronic device to operate with the settings most preferred by the user that are still allowed by the at least one supervisory devices.

6-18. (Canceled)

19. (Previously presented) A system, comprising:
a wireless electronic device, wherein the wireless electronic device comprises logic to:
 establish a connection between the wireless electronic device and at least one
 supervisory device associated with an area of wireless coverage;
 send device configuration information to the supervisory device regarding one or
 more functions associated with the wireless electronic device;
and
the at least one supervisory device associated with the area of wireless coverage,
comprising logic to:
 receive the device configuration information from the wireless electronic device;
 send preference and restriction information associated with the area of wireless
 coverage to the wireless electronic device, the preference and restriction
 information for causing the one or more functions on the wireless electronic
 device to conform to policies within the area of wireless coverage.

20. (Previously presented) The system of claim 19 wherein the area of wireless coverage includes one or more priority levels associated with the area of wireless coverage and each of the functions of the wireless electronic device includes an associated priority level.

21. (Previously presented) The system of claim 20, wherein the at least one supervisory device is further operable to:

compare the one or more priority levels associated with the area of wireless coverage to the wireless electronic device's functions priority level; and

set permissions for the operation of each of the wireless electronic device's functions based on the results of the comparison.

22. (Previously presented) The system of claim 21, wherein the at least one supervisory device is further operable to:

allow the operation of functions that have a higher priority level than any priority level associated with the area of wireless coverage; and

disallow the operation of functions that have a lower priority level than a priority level associated with the area of wireless coverage.

23. (Previously presented) The system of claim 22 wherein the at least one or more supervisory device is further operable to:

configure the wireless device with permissions for each function that are most preferred by the user that are allowed within the area of wireless coverage.

24-29. (Canceled)

30. (Previously presented) A supervisory device associated with an area of wireless coverage, comprising logic to:

establish a connection with a wireless electronic device;

receive device configuration information from the wireless electronic device regarding one or more functions associated with the wireless electronic device;

determine which of the one or more functions are available for use on the wireless electronic device in the area of wireless coverage; and

based on the determination, send preference and restriction information to the wireless electronic device regarding the operation policy of each of the one or more functions on the wireless electronic device within the area of wireless coverage.

31. (Previously presented) The device of claim 30 wherein the area of wireless coverage includes one or more priority levels associated with the area of wireless coverage and each of the one or more functions of the wireless device includes an associated priority level.

32. (Previously presented) The device of claim 31, wherein the supervisory device is further operable to:

compare the one or more priority levels associated with the area of wireless coverage to each of the wireless device functions priority level; and

set permissions for the operation of each of the wireless device functions based on the results of the comparison.

33. (Previously presented) The device of claim 32, wherein the supervisory device associated with an area of wireless coverage is further operable to:

allow the operation of functions that have a higher priority level than any priority level associated with the area of wireless coverage; and

disallow the operation of functions that have a lower priority level than a priority level associated with the area of wireless coverage.

34. (Previously presented) The system of claim 33 wherein the supervisory device associated with an area of wireless coverage is further operable to:

configure the wireless device with permissions for each of the functions of the wireless electronic device that are most preferred by the user that are allowed within the area of wireless coverage.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) P16142									
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/616,734	Filed 07-09-2003									
	First Named Inventor Dhananjay V. Keskar										
	Art Unit 2618	Examiner ALAM, FAYYAZ									
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding-bottom: 10px;"><input type="checkbox"/> applicant/inventor.</td><td style="width: 50%; vertical-align: top; padding-bottom: 10px;">/Sharmini N. Green, Reg. No. 41,410/ _____ Signature</td></tr><tr><td style="vertical-align: top; padding-bottom: 10px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="vertical-align: top; padding-bottom: 10px;">Sharmini N. Green _____ Typed or printed name</td></tr><tr><td style="vertical-align: top; padding-bottom: 10px;"><input checked="" type="checkbox"/> attorney or agent of record. Registration number 41,410</td><td style="vertical-align: top; padding-bottom: 10px;">(714)-730-8225 _____ Telephone number</td></tr><tr><td style="vertical-align: top;"><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td style="vertical-align: top;"> 10/7/2010 _____ Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.	/Sharmini N. Green, Reg. No. 41,410/ _____ Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Sharmini N. Green _____ Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number 41,410	(714)-730-8225 _____ Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	 10/7/2010 _____ Date
<input type="checkbox"/> applicant/inventor.	/Sharmini N. Green, Reg. No. 41,410/ _____ Signature										
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Sharmini N. Green _____ Typed or printed name										
<input checked="" type="checkbox"/> attorney or agent of record. Registration number 41,410	(714)-730-8225 _____ Telephone number										
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	 10/7/2010 _____ Date										
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.											

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.